



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

Radiation Control Board

Peter A. Jenkins, CHP, Ph.D. – *Chair*
Scott Bird – *Vice Chair*
Brady Bradford
Dick Codell, Ph.D.
Jerry Hurst, Tooele County Commissioner
Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Matt W. Rydalch
Amanda Smith – *Executive Director*
Rusty Lundberg, *Executive Secretary*

MINUTES OF THE UTAH RADIATION CONTROL BOARD WORKING LUNCH MEETING

June 10, 2014

Department of Environmental Quality
Multi Agency State Office Building
Red Rocks Conference Room 3132, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Scott Bird
Rusty Lundberg, Executive Secretary
Commissioner Jerry Hurst
Brady Bradford (via phone)
Ulrich Rassner, M.D.
Matt Rydalch
Peter Jenkins, CHP, Ph.D.
Richard Codell, Ph.D.

BOARD MEMBERS ABSENT/EXCUSED

Lindsey Christensen Nesbitt, Ph.D.
Amanda Smith, DEQ Executive Director

DRC STAFF/OTHER DEO MEMBERS PRESENT

Craig Jones, DRC Manager
Phil Goble, DRC Manager
John Hultquist, DRC Manager
Laura Lockhart, Attorney General's Office
Loren Morton, DRC staff

PUBLIC

Sean McCandless, EnergySolutions
Janet Jenson, Jenson & Guelker

Welcome

Mr. Peter Jenkins, Chairman, called the meeting to order at 11:00 a.m. He welcomed the Board Members and the public.

Administrative Rulemaking

- a. Status Report from Board Subcommittee regarding proposed changes to R313-26, *Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities*

Dr. Peter Jenkins, Chairman gave brief report on the sub-committee's meetings and suggestions in response to the comments received during the informal scoping period. The subcommittee anticipated discussing the revised rule for R313-26 in the meeting, but it was still working on the proper wording and receiving a legal approval. He mentioned some of the issues that were addressed relate to the change in the statute. The first issue was removal of the wording "waste of international origin." Second, the sub-committee also focused on distinguishing the responsibility of both generators and shippers, since they are different entities. Third, the new condition put in statute by the Legislature requires that a generator site access permittee grant access to the DRC to their facility. The sub-committee was determining in rule what would be done during a site visit of those facilities.

- b. Discussion – Comments received on the preliminary draft proposed changes to R313-17, *Administrative Procedures*, R313-24, *Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements*, regarding public participation procedures for licensing uranium mills and radioactive byproduct material management per 42 U.S.C. §2021(o)(3).

Ms. Laura Lockhart updated the Board and reviewed comments received on the preliminary draft proposed changes to R313-17, *Administrative Procedures*, R313-24, *Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements*, regarding public participation procedures for licensing Uranium mills and radioactive byproduct material per 42 U.S.C. §2021(o)(3).

Comments were received from EnergySolutions and Uranium Watch. Ms. Lockhart discussed some of the comments received. She also explained to the Board that the opportunity to cross-examine was used in the past during trial type procedures, but had not been considered for licensing actions. Mr. Rusty Lundberg added that representatives of the EnergySolutions and Uranium Watch were in attendance via telephone or in person. There was a discussion between Dr. Ulrich Rassner, Ms. Laura Lockhart, Mr. Rusty Lundberg and other Board Members about the period of time it takes staff members to review and respond to comments. Rusty Lundberg stated the DRC is continually trying to find a balance between the time allowed and the reasonable time needed.

- c. Briefing – Recent changes to 10 CFR Part 37, *Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material*, by the Nuclear Regulatory Commission (NRC)

Mr. Craig Jones reviewed and gave a presentation on the recent changes to 10 CFR Part 37, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material (i.e. Increased Controls), by the Nuclear Regulatory Commission (NRC) and what was required by the State of Utah. It is required by the NRC that the State of Utah adopt these changes by March 19, 2016. However, Mr. Jones explained that the DRC plans to present proposed rulemaking to the Board later in 2014 to adopt the changes of 10 CFR 37.